

UNITED STATES DISTRICT COURT  
~~EASTERN~~  
~~SOUTHERN~~ DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ MAR 17 2017 ★

BROOKLYN OFFICE

Jerome Maxwell

(IN THE SPACE ABOVE ENTER THE FULL NAME(S) OF THE PLAINTIFF(S).)

**CV 17-**  
KUNTZ, J.

**1568**

Complaint

v.

under the

Civil Rights Act, 42 U.S.C 1983

POLLAK, M.J.

Defendant No. 1 Richard A. Brown

Jury Trial: Yes ☒ No ☐

Defendant No. 2 Joseph Milone

(check one)

Defendant No. 3 Maurzen D'aquila

Defendant No. 4 Pablo Rivera

Defendant No. 5 Audrey I. Pheffer

(In the space above, enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write, "see attached," in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part 1. No addresses should be included here.)

Parties in this complaint:

List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary:

Plaintiff: Name Jerome Maxwell  
ID # 16A1633  
Current Institution Green Haven Corr Facility  
Address P.O. Box - 4000  
Stormville, New York 12582

List all defendants' names, positions, places of employment, and the address where each defendant may be served/ Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Richard A. Brown Shield # \_\_\_\_\_  
Where Currently Employed District Attorney  
Address 125-01 Queens Boulevard  
Kew Gardens, New York 11415

Defendant No. 2 Name Joseph Milone Shield # \_\_\_\_\_  
Where Currently Employed Assistant District Attorney  
Address 125-01 Queens Boulevard  
Kew Gardens, New York 11415

Defendant No. 3 Name Maureen D'Aquila Shield # \_\_\_\_\_  
Where Currently Employed Chief Clerk  
Address 125-01 Queens Boulevard  
Kew Gardens, New York 11415

Facts. Pursuant to FRCP Rule 60 B- (C) (6) Supreme Court State of New York Queens County, Hon: Jeremy S. Weinstein, made an order Granting petitioner Jerome Maxwell, Application to vacate and Setting aside Respondent's determination of July 11, 1994 Index # 322/17 dated 1-20-17. Because of this Order, I am entitle to Compensate for the prosecuted delinquent, violation of duty or of law. and Pursuant to 42 USCA 1988 (A) on July 11, 1994. The District Attorney, made an indictment # 2986, 94. That indicates I were charged with the following counts.

Penal Law Section 215.16-2: Intimidating A Victim or witness in the Second Degree (Count #1). Acquitted this is what I experienced in Court. They botch my Record.

Penal Law section 215.00 (a) Bribing A witness (Count #2). Acquitted

Penal Law Section 215.11 (1) Tampering with A witness in the Third Degree (Count #3). were found Guilty.

Penal Law section 195.05. Obstructing Governmental Administration (Count #4). dismissed.

Penal Law section 120.05. 2D. Assault in the Second Degree (Count #5). dismissed.

On or around about September 27, 2016. Pablo Rivera, send to me are letter that indicates the People's made a motion to delete the obstruction count, and Assault and Tampering counts as well. letter dated 9-27-2016.

Therein the Court Clerk's botch my Record, and in Conformity with my application. filed date 1-12-2017 index # 322-17. in exhibit.

Sincerely  
Jerome Maxwell  
3-13-17

Defendant No. 4 Name Pablo Rivera Shield # \_\_\_\_\_  
Where Currently Employed First Deputy Chief Clerk  
Address 125-01 Queens Boulevard  
Kew Gardens, New York 11415

Defendant No. 5 Name Audrey I. Phetter Shield # \_\_\_\_\_  
Where Currently Employed 125-01 Queens Boulevard  
Address Kew Gardens, New York 11415

Statement of claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates, and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

In what institution did the events giving rise to your claim(s) occur? \_\_\_\_\_

Queens House 125-01 Queens Boulevard

Where in the institution did the events giving rise to your claim(s) occur? \_\_\_\_\_

11

What date and approximate time did the events giving rise to your claim(s) occur? \_\_\_\_\_

July 11, 1994 time all days

Facts: \_\_\_\_\_

See Attached  
Above

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. \_\_\_\_\_

Mental Emotional distress damages and Humiliation.

The Prison Litigation Reform Act of 1995, 42 U.S.C. 1997e(a), requires that, “no action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” Administrative remedies are also known as grievance procedures.

Yes ☒ No ☐

If YES, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s). Queens House 125-01

Queens Boulevard

Relief

I Jerome Maxwell am compensating for \$10,000,000  
in damages for Malicious Prosecution.

If NO, why not? \_\_\_\_\_

Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. \_\_\_\_\_

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

Relief:

State what you want the court to do for you. \_\_\_\_\_

See Attached  
Above

Previous Lawsuits :

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? Yes ☒ No ☐

If your answer to A is YES, describe each lawsuit in questions 1 through 7 on the next page. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.

5-B

Parties to this previous lawsuit:

Plaintiff Jerome Maxwell

Defendants Maurcen D. Aquila and Audrey I Pheffer

Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

United States District Court Eastern District of New York

Docket or Index number: 16-CV-3477 (WFK)

Name of Judge assigned to your case: William F. Kuntz, II

Approximate date of filing lawsuit: 7-14-16

Is the case still pending? Yes \_\_\_\_\_ No X

If NO, give the approximate date of disposition: July 13, 2016

What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) Dismissed

Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes \_\_\_\_\_ No X

If your answer to C is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

Parties to this previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_



Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure? Yes \_\_\_\_\_ No \_\_\_\_\_ Do Not Know \_\_\_\_\_

Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claim(s)? Yes \_\_\_\_\_ No \_\_\_\_\_ Do Not Know \_\_\_\_\_

If Yes, which claim(s)? \_\_\_\_\_

Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose not cover some of your claim(s)? Yes \_\_\_\_\_ No \_\_\_\_\_ Do Not Know \_\_\_\_\_

If Yes, Which claim(s)? \_\_\_\_\_

Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility? Yes \_\_\_\_\_ No \_\_\_\_\_

If you did file a grievance about the events described in this complaint, where did you file the grievance? \_\_\_\_\_

Which claim(s) in this complaint did you grieve? \_\_\_\_\_  
\_\_\_\_\_

What was the result, if any? \_\_\_\_\_  
\_\_\_\_\_

What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you did file a grievance, did you inform any officials of your claim(s)? Yes \_\_\_\_\_ No \_\_\_\_\_

If YES, whom did you inform and when did you inform them? \_\_\_\_\_  
\_\_\_\_\_

Approximate date of filing lawsuit: \_\_\_\_\_

Is the case still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, give the approximate date of disposition: \_\_\_\_\_

What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

Signed this 13 day of 3, 20 17. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Plaintiff: \_\_\_\_\_

Inmate Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Jerome Maxwell  
16A1633  
Green Haven Correctional  
facility, P.O. Box 4000  
Stormville NY 12582

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury on this 13 day of 3, 20 17, I will deliver this complaint to prison authorities to be mailed to the Pro SE Office of the United States District Court for the ~~South~~ EAST ern District of New York.

Signature of Plaintiff: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JEROME MAXWELL,

Plaintiff,

v.

**CIVIL JUDGMENT**  
16-CV-3477 (WFK)

MAUREEN D. AQUILA, Chief Clerk, Queens County  
Supreme Court Criminal Term, and  
AUDREY I. PHEFFER,

Defendants.  
-----X

Pursuant to the Court's Memorandum and Order issued on July 13, 2016 by the  
Honorable William F. Kuntz, II, dismissing this civil action for failure to state a claim, it is:

**ORDERED, ADJUDGED AND DECREED** that the complaint is hereby dismissed  
pursuant to 28 U.S.C. § 1915A(b) and 28 U.S.C. § 1915(e)(2)(B). The Court certifies pursuant  
to 28 U.S.C. § 1915(a)(3) that any appeal from the Court's order would not be taken in good  
faith.

s/ WFK

\_\_\_\_\_  
WILLIAM F. KUNTZ, II  
United States District Judge

Dated: Brooklyn, New York  
July 13, 2016





STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
ELEVENTH JUDICIAL DISTRICT, SUPREME COURT  
(OFFICE OF COURT ADMINISTRATION)  
125-01 QUEENS BOULEVARD  
KEW GARDENS, NEW YORK 11415  
(718) 298-1408

**JOSEPH A. ZAYAS**  
Administrative Judge  
Criminal Term  
Eleventh Judicial District  
Supreme Court

**MAUREEN D'AQUILA**  
Chief Clerk  
Criminal Term  
Eleventh Judicial District  
Supreme Court

September 27, 2016

**PABLO RIVERA**  
First Deputy Chief Clerk  
Criminal Term

Mr. Jerome Maxwell- Din # 16A1633  
Fishkill Correctional Facility  
Box 1245  
Fishkill, New York 12508

Re: Your letter to Hon. M. Spires-Dated August 8, 2016. Indictment # 2986-1994

Dear Mr. Maxwell: We are in receipt of the above cited letter. Regretfully, Justice Spires is no longer with us. However, I have read through the trial transcript in your case. The trial transcript for June 8, 1995, spells out quite clearly how the Obstruction of Governmental Administration count that you question, was disposed of. I will draw your attention to page #423 line # 18 of the trial transcript (the copy of the three pages are attached to this letter and provided as a one-time courtesy), where the court grants the People's motion to delete the obstruction count. Page # 424, line #23, refers to the exclusion of the assault and tampering counts as well.

Finally, please see page #425, line #16, which indicates that you and your attorney were present at this proceeding. Your contention that court employees tampered with papers and your lack of knowledge concerning the charges is without merit, considering the record.

We recommend that you make any further inquiries concerning the facts, with respect to your case, to the attorney of record in this case (your attorney): Ms. Dorothy Hughes, Esq.

The Legal Aid Society  
120-46 Queens Boulevard  
Kew Gardens, New York 11415.

I hope that this inquiry has been satisfactorily closed.

Respectfully,

Pablo Rivera

Cc: Hon. J.A Zayas, M. D'Aquila, Hon. A. I. Pfeffer

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
 )ss:  
COUNTY OF DUTCHESS)

Jerome Maxwell, being duly sworn deposes and says:

I am the above-mentioned defendant/petitioner and have served a copy of the following papers:

Request for Judicial Intervention dated 2-28-17  
Supreme Court Civil Branch Queens County,  
by Hon. Jeremy S. Weinstein, Order index # 322-17, dated  
order to show cause, index # 322-17 dated 11-9-16. dated  
269-inmate balance screen dated 12-7-16. 2-20-17.

Upon the following party(ies):

District Attorney's office of Queens County  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

by placing the above in a post-paid envelope and depositing it in a United States Postal Service mailbox located at Green Haven Correctional Facility, Stormville, NY 12582 on the 2 day of March, 2017, as due and sufficient service.

Jerome Maxwell

Sworn to before me this

1 day of MARCH, 2017

[Signature]  
NOTARY PUBLIC



**REQUEST FOR JUDICIAL INTERVENTION**

UCS-840 (7/2012)

Supreme COURT, COUNTY OF QueensIndex No: 322/17 Date Index Issued: 2/20/17**CAPTION:** Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.Jerome Maxwell

Plaintiff(s)/Petitioner(s)

**For Court Clerk Use Only:**

IAS Entry Date

Judge Assigned

RJI Date

-against-

District Attorney's Office of Queens County

Defendant(s)/Respondent(s)

**NATURE OF ACTION OR PROCEEDING:**

Check ONE box only and specify where indicated.

**MATRIMONIAL**☐ Contested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum. For Uncontested Matrimonial actions, use RJI form UD-13.

**TORTS**☐ Asbestos☐ Breast Implant☐ Environmental: \_\_\_\_\_ (specify)☐ Medical, Dental, or Podiatric Malpractice☐ Motor Vehicle☐ Products Liability: \_\_\_\_\_ (specify)☐ Other Negligence: \_\_\_\_\_ (specify)☐ Other Professional Malpractice: \_\_\_\_\_ (specify)☐ Other Tort: \_\_\_\_\_ (specify)**OTHER MATTERS**☐ Certificate of Incorporation/Dissolution [see NOTE under Commercial]☐ Emergency Medical Treatment☐ Habeas Corpus☐ Local Court Appeal☐ Mechanic's Lien☐ Name Change☐ Pistol Permit Revocation Hearing☐ Sale or Finance of Religious/Not-for-Profit Property☐ Other: \_\_\_\_\_ (specify)**COMMERCIAL**☐ Business Entity (including corporations, partnerships, LLCs, etc.)☐ Contract☐ Insurance (where insurer is a party, except arbitration)☐ UCC (including sales, negotiable instruments)☐ Other Commercial: \_\_\_\_\_ (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJI Addendum.

**REAL PROPERTY:** How many properties does the application include? \_\_\_\_\_☐ Condemnation☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial  
Property Address: \_\_\_\_\_

NOTE: For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum.

☐ Tax Certiorari - Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_☐ Tax Foreclosure☐ Other Real Property: \_\_\_\_\_ (specify)**SPECIAL PROCEEDINGS**☐ CPLR Article 75 (Arbitration) [see NOTE under Commercial]☒ CPLR Article 78 (Body or Officer)☐ Election Law☐ MHL Article 9.60 (Kendra's Law)☐ MHL Article 10 (Sex Offender Confinement-Initial)☐ MHL Article 10 (Sex Offender Confinement-Review)☐ MHL Article 81 (Guardianship)☐ Other Mental Hygiene: \_\_\_\_\_ (specify)☐ Other Special Proceeding: \_\_\_\_\_**STATUS OF ACTION OR PROCEEDING:**

Answer YES or NO for EVERY question AND enter additional information where indicated.

YES NO

as a summons and complaint or summons w/notice been filed?

☐ ☐ If yes, date filed: \_\_\_\_/\_\_\_\_/\_\_\_\_

as a summons and complaint or summons w/notice been served?

☐ ☐ If yes, date served: \_\_\_\_/\_\_\_\_/\_\_\_\_

this action/proceeding being filed post-judgment?

☐ ☐ If yes, judgment date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**NATURE OF JUDICIAL INTERVENTION:**

Check ONE box only AND enter additional information where indicated.

- ☐ Infant's Compromise  
☐ Note of Issue and/or Certificate of Readiness  
☐ Notice of Medical, Dental, or Podiatric Malpractice  
☐ Notice of Motion  
☐ Notice of Petition  
☒ Order to Show Cause  
☐ Other Ex Parte Application  
☐ Poor Person Application  
☐ Request for Preliminary Conference  
☐ Residential Mortgage Foreclosure Settlement Conference  
☐ Writ of Habeas Corpus  
☐ Other (specify): \_\_\_\_\_

Date Issue Joined: \_\_\_\_/\_\_\_\_/\_\_\_\_

Relief Sought: \_\_\_\_\_

Relief Sought: \_\_\_\_\_

Relief Sought: Article 78

Relief Sought: \_\_\_\_\_

Return Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Return Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Return Date: 3-2-17**RELATED CASES:**

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.

If additional space is required, complete and attach the RJI Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

**PARTIES:**

For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided.

If additional space is required, complete and attach the RJI Addendum.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
	List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.		
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

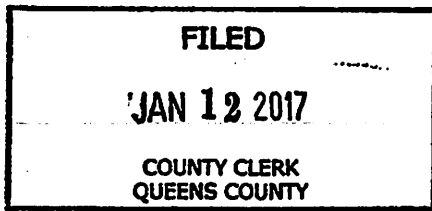
Dated: 2, 28, 17

Jerome Maxwell  
SIGNATURE

ATTORNEY REGISTRATION NUMBER

PRINT OR TYPE NAME





At a Term of the Supreme Court of the  
State of New York, held in and for the  
County of \_\_\_\_\_ on the \_\_\_\_\_ day of  
-----2016

Present: Hon \_\_\_\_\_ Justice  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

**Poor Person Application  
Pending Determination**

-----x  
In the Matter of the Application of  
Jerome Maxwell  
Petitioner,

ORDER TO SHOW  
CAUSE

Index No. 322 / 17

For a Judgment Pursuant to Article 78 of the  
civil Practice Laws and Rules in the Nature of  
Mandamus to Review,

against  
District Attorney,s Office of Queens County  
Respondent  
-----x

Upon the annexed affidavit in support of an Order to Show Cause  
of Jerome maxwell verified on the 9 day of November 2016, and the  
Verified Petition, sworn to on 9 day of November 2016, it is  
ORDERED that respondent District Attorney Office show cause at a  
Term of this Court, to be held in the County of Queens on the  
23 day of November 2016, or as soon thereafter as  
counsel may be heard, why a judgment should not be made and  
entered in this matter pursuant to Article 78 of the Civil  
Practice Law and Rules in the Nature of Mandamus to Review:

1. VACATING and setting aside Respondent,s determination of  
11 day of July, 1994. because pursuant to C.P.1 210.20(1) (c)  
and 210.35(5). The Grand Jury proceeding is defective and  
relevant to C.P.L 200.50(3) the five count,s are duplicitous  
and multiplcitous because more than one count charge the same  
crime stemming from the original indictment filed with the  
Court by The District Attorney,s Office of Queen,s County,  
New York on July 11, 1994; indicates that I Jerome Maxwell  
were chrged with the following count,.  
Penal Law Section 215.16(2) Intimidating a Victim or Witne~~ss~~  
in the second degree(count 1  
Penal Law Section 215.00(a) Bribing a Witn~~ss~~(count 2.  
Penal Law Section 215.11(1) Tampering with a Witness in the  
Third Degree(count 3 )  
Penal Law Section 195.05 Obstructing Governmental Administration  
(count 4)  
Penal Law Section 120.05 2d Assault in the Second Degree(count 5)

as set forth in the original indictment; and because Maureen D. Aquila, Chief Clerk, Queens County Supreme Court Criminal Term implemented to Repository Inquiry New York State Division of Criminal Justice Services, that the initial report of indictment 2986.94; were just one count Tampering with A Witness-3rd, Prevent Testimony-fear of Injury PL.215.11, sub 01 class E felony NCIC 4805. see submitted Repository dated 9-23-2015, and see the document made by Pablo Rivera of the Unified Court System 11 Judicial District Supreme Court, dated 8-16-2016.

Therefore the integrity of the proceeding is impaired ~~and~~ and prejudice of the defendant and the Grand Jury proceeding is defective. Therefore the Grand Jury indictment 2986-94 should be Dismiss. therein these acts violate Section 215.70 Unlawful Grand Jury Disclosure of the Penal Code of the State of New York.

2. Directing Respondent to turn over all of the Grand Jury Minutes to the court and the Petitioner pursuant to C.P.L 204.20(1) (a-k)

3. GRANTING such other and further relief as the Court may deem just and proper. It is further

ORDERED that pending the hearing of this special proceeding and pursuant to section 7805 of the N.Y. Civil Practice Law and Rules Respondent and all other officers, employee, agents, attorneys and persons working in active concert or participation with Respondent are stayed and prohibited from taking action related to or enforcing Respondent's determination of July 11, 1994.

It is further,

ORDERED that service of a copy of this order, together with the papers upon which it is granted, upon both the Respondent and the Attorney General by mail, on or before November 23 2016, shall be deemed sufficient.

ENTER:

---

Justice of the Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

-----X  
In the Matter of the Application of

Jerome Maxwell

Petitioner

AFFIDAVIT IN  
SUPPORT OF  
ORDER TO SHOW  
CAUSE  
Index No:

For a Judgment Pursuant to Article 78 of the  
Civil Practice Law and Rules in the Nature of  
Mandamus to Review

against

District Attorney, s Office of Queens County  
Respondent  
-----X

"

STATE OF NEW YORK )

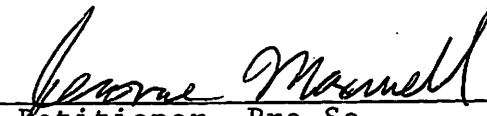
COUNTY OF Dutchess ) ss:

Jerome Maxwell being duly sworn, depose and say:

1. I am the defendant in the above entitled proceeding.
2. I make this affidavit in support of my annexed application for an Order to Show cause to prosecute the attached petition pursuant to Article 78 of the Civil Practice Law and Rules in the Nature of Mandamus to Review the determination of the original indictment # 2986-94 filed with the court by the District Attorney, s Office of Queens of Queens County, New York, July 11, 1994. and Repository Inquiry New York State Division of Criminal Justice Services, dated 9-23-2015 made by Maureen D, Aquila.
3. Petitioner seeks to proceed by Order to Show Cause rather than by Notice of Petition because Pursuant to 512 U.S. 477, 486-87 (1994) the charges need not be Invalidated.
4. Petitioner, being incarcerated, also cannot effect personal service of the within papers and respectfully requests that a timely service by mail be deemed sufficient.
5. Petitioner designates Queens County as the place of venue
6. Previous application for the relief herein has been made
7. I have moved by the annexed affidavit for a reduction waiver of filing fees.

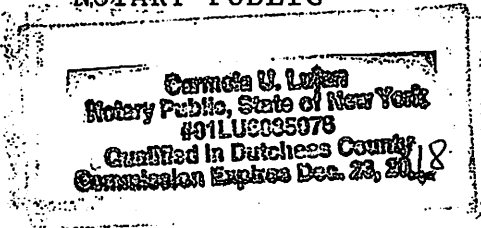
8. Previous application for the relief requested herein has been made to U.S. District Court Eastern District of NY and they have the original indictment # 2986-94.

WHEREFORE, petitioner respectfully requests that this Court enter an order directing Respondent to Show cause why a judgment should not be made and entered pursuant to Article 78 of the Civil Practice Law and Rules Vacating and setting aside Respondent's conviction and the District Attorney's office indictment # 2986-94 and directing respondent to turn over ~~all of~~ the Grand Jury minutes to the Court and the Petitioner Jerome Maxwell pursuant to C.P.L. 240.20(1)(a-k). and granting such other and further, relief as the Court may deem just and proper.

  
Petitioner, Pro Se

SWORN TO BEFORE ME THIS  
9<sup>th</sup> DAY OF November, 2016

  
NOTARY PUBLIC



SUOREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

-----X  
In the Matter of the Application of  
Jerome Maxwell

Petitioner,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules  
in the Nature of Mandamus to Review,

VERIFIED  
PETITION

Index No. 322 | 17

against

District Attorney,s Office of Queens County  
Respondent  
-----X

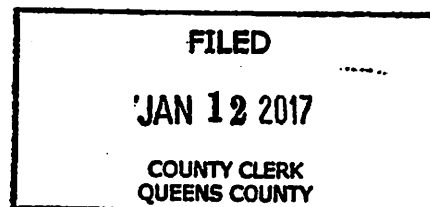
The petition of Jerome Maxwell, respectfully shows:

1. Petitioner Jerome Maxwell is an inmate at FISHKILL CORRECTION FACILITY Box 1245. Beacon, New York 12508.
2. Respondent Robert F. Cunningham, Superintendent of Fishkill Correctional Facility is petitioner,s legal custodian and is charged with the overall supervision and administration of , Fishkill Correctional Facility.
3. This petion challenges The original indictment # 2986-94, filed with the Court by the District Attorney,s Office of, Queen,s County New York, on July 11, 1994, and Repository Inquiry New York State Division od Criminal Justice Services, dated, 9-23-15 made by Maureen D, Aquila.

WHEREFORE,petitioner respectfully requests that judgment be, entered pursuant to Article 78 of the Civil Practice Law and, Rules:

1. Vacating The District Attorney,s Conviction after trial, on June 12, 1995 of Tampering with a witness in the third degree PL215.11(1) or Intimidating a victim or witness in the second degree PL 215.16-2 Therein ofwhich charge is the right one I Jerome Maxwell were convicted of.
2. Directing District Attorney,s Office to turn over all of the Grand Jury minutes to the Court and the Petitioner Jerome Maxwell pursuant to C.P.L 240.20(1)(a-k).

**Pool Person Application  
Pending Determination**



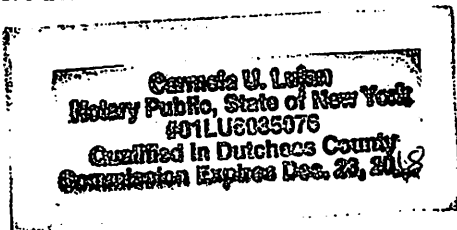
and Granting such other and further relief as the Court may deem just and proper.

Dated 11-9 2016

*Jerome Mosmiller*  
Petitioner, Pro Se

SWORN TO BEFORE ME THIS  
9<sup>th</sup> DAY OF November 2016

*Carmela U. Lujan*  
NOTARY PUBLIC



VERIFICATION

STATE OF NEW YORK )

: SS

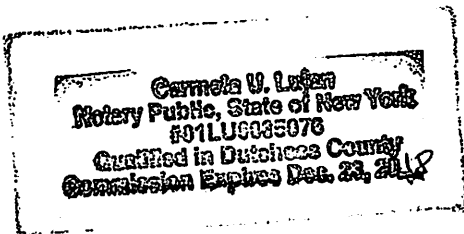
COUNTY OF Dutchess

Jerome Maxwell, being duly sworn, deposes and says that deponent is the petitioner in the above captioned proceeding that he has read the foregoing petition and knows the contents thereof, that the same is true to deponent's own knowledge, except as to matters herein stated upon information and belief, which matters deponent believes to be true.

Jerome Maxwell  
Petitioner, Pro Se

SWORN TO BEFORE ME THIS  
9th DAY OF November 2016

Carmela U. Lujan  
NOTARY PUBLIC



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

Jerome Maxwell

Petitioner,

against

District Attorney,s Office Of Queens County  
Respondent

Affidavit in Support of  
Application Pursuant to  
CPLR 1101 (F)  
Index No 322/17

FILED

JAN 12 2017

COUNTY CLERK  
QUEENS COUNTY

State of New York )  
County of Dutchess ) ss:

1. Jerome Maxwell, being duly sworn, hereby declare as follows:

I am the Petitioner in this proceeding, I am an inmate in a federal, state or local correctional facility (state place of incarceration Fishkill Correctional Facility), and I submit this affidavit to support my application for a reduction of the filing fee.

2) I currently receive income from the following sources, not including, correctional facility wages: I Jerme Maxwell has no other sources of income.

3) I own the following valuable property (other than miscellaneous personal property): none.

4) I have no saving, property, assets or income other than as listed above.

5) I am unable to pay the filing fee necessary to proceeding.

6) No other person who is able to pay the filing fee has a beneficial interest in the result of this proceeding.

7) The facts of my case are described in my petition and other papers filed with court.



8) Previous application for the relief requested herein has been made to U.S. District Court Eastern District of NY.

Jerome Maxwell  
signature

SWORN TO BEFORE ME THIS 9<sup>th</sup> DAY OF November, 2016.

Carmela U. Lujan  
Notary Public  
Notary

Carmela U. Lujan  
Notary Public, State of New York  
#01LU6035078  
Qualified in Dutchess County  
Commission Expires Dec. 22, 2018

AUTHORIZATION

I, Jerome Maxwell, inmate number 16A1633, request and authorize the agency, holding me in custody to send to the Clerk of the Supreme Court of The State of New York certified copies of the correctional facility trust fund account statement (or the institutional equivalent) for the past six months.

I further request and authorize the agency holding me in custody to deduct the filing fee from my correctional facility trust fund account (or the institution equivalent) and to disburse those amounts as instructed by the Supreme Court of the State of New York.

This authorization is given in connection with this petition and shall apply to any agency into whose custody I may be transferred.

I UNDERSTAND THAT THE ENTIRE FILING FEE AS DETERMINED BY THE SUPREME COURT OF THE STATE OF NEW YORK WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY CORRECTIONAL FACILITY TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED.

Jerome Maxwell  
signature